



DA-C 2200

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John S. FOOX ) Confirmation No.: 9683  
Serial No.: 10/775,702 ) Group Art Unit: TBD  
Filed: February 9, 2004 ) Examiner: TBD  
For: ILLUMINATING AND PANORAMICALLY VIEWING A MACROSCOPICALLY-  
SIZED SPECIMEN ALONG A SINGLE VIEWING AXIS AT A SINGLE TIME  
Atty's Docket No.: LIG 0001P )

San Diego, California  
August 10, 2005

PETITION UNDER C.F.R. §1.81 (NO FEE)

OR, ALTERNATIVELY,

CONDITIONAL PETITION FOR REVIVAL OF APPLICATION FOR  
PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)  
(FEE NOT ENCLOSED, CALL)

Mail Stop OIPE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is believed properly addressed to the OIPE per the attached NOTICE OF ABANDONMENT. If appropriate/necessary, please forward to Attn: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231

The above-identified patent application has become abandoned by NOTICE OF ABANDONMENT mailed June 10, 2005, a copy of which is attached.

This communication is timely with the foreshortened statutory period (i.e., two months) from said NOTICE.

The NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed October 1, 2004, was NOT received.

Applicant's undersigned representative filing system is as

follows. Upon receipt of a PTO action it is physically associated with the appropriate file, and the combined (1) application file, with (2) most recent PTO communication of Office Action on top, is (a) tagged with a (first, earliest) 'due date', and (b) physically placed to a 'pending necessary responses' file in order of its due date. Files not timely responded to by (first, or earlier) due dates may be re-tagged and re-placed in the PHYSICAL que, but are never taken therefrom but that the complete response to the PTO is mailed. (Indeed, this very response is being so handled).

Upon receipt of the NOTICE OF ABANDONMENT Applicant's undersigned representative verified that (1) the application file had never been moved to the que, and (2) NO PTO communication of any nature (As of approximately June 17, 2005, was within the file or attached thereto).

Applicant's undersigned representative has subsequently telephoned the OIPE and caused to be resent, and to be now retrieved, the non-received NOTICE TO FILE CORRECTED APPLICATION PAPERS, and now responds thereto by the attached AMENDMENT.

1. Petition Under 37 C.F.R. §1.81

Accordingly, this Petition is first made under 37 C.F.R. §1.81 on the grounds that Applicant's undersigned representative did not receive the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed October 1, 2004,, and accordingly did not timely respond thereto -- for which NOTICE OF ABANDONMENT mailed June 10, 2005, has now been issued. A complete copy of an appropriate response in the form of a RESPONSE is now attached. Entry, satisfaction of application filing requirements, and continued substantive examination, is requested.

Applicants' undersigned registered representative so states and declares that this statement made herein of his own knowledge is true; and further that this statements is made with the

knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issued thereon.

2. Conditional Petition Under 37 C.F.R. §1.37

Applicant has spent the intervening time since receipt of said NOTICE OF ABANDONMENT in retrieving, and now responding to, the Office Action'

If Applicant's **present attempt** to place this his application in proper condition (in all parts) for further progress in the PTO is now deemed unacceptable, then Applicant now petitions under 37 C.F.R. 1.137(A) for REVIVAL OF APPLICATION FOR PATENT ABANDONED UNAVOIDABLY. The "unavoidability" is, of course, that Applicant's undersigned representative failed to receive the PTO NOTICE mailed October 1, 2004. This Petition, and the accompanying response to the PTO, is filed promptly after receipt of the NOTICE OF ABANDONMENT.

This application is filed after June 8, 1995, and no terminal disclaimer is believed to be required.

The fee appropriate to a small/non-profit entity for this CONDITIONAL PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A) is **not** enclosed. Should such be deemed required, please communicate telephonically to 858 453 3754 AFTER 2:00 P.M. P.S.T., or any other convenient means, for immediate facsimile of an authorization form in the appropriate amount.

In consideration of the preceding petition and explanation, the present application is deemed in condition for revival.

The action of the OIPE/ Examiner / Petitions Examiner to that end is earnestly solicited.

Applicant's undersigned attorney is at the OIPE / Examiner's / Petition Examiner's disposal should either wish to discuss any matter of this Petition, the filing of corrected application papers, anything else which might expedite prosecution of this case.

Sincerely yours,

*William C. Fuess*

William C. Fuess  
Registration Number 30,054

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William C. Fuess  
[X] Attorney of Record  
[ ] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop OIPE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date written below.

August 10, 2005  
Date

William C. Fuess  
Typed Name of Person  
Mailing Correspondence

*William C. Fuess*  
Signature of Person Mailing  
Correspondence



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/775,792	02/09/2004	John S. Fox	LIG0001P

William C. Fuess  
 FUESS & DAVIDENAS  
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 10951 Sorrento Valley Road  
 San Diego, CA 92121



CONFIRMATION NO. 9683

ABANDONMENT/TERMINATION  
LETTER

\*OC000000016248746\*

Date Mailed: 06/10/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/01/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*A copy of this notice MUST be returned with the reply.*

Z-MogUSS

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE